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17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**

19 **STEPHANIE CLIFFORD a.k.a.**
20 **STORMY DANIELS,**

21 **Plaintiff,**

22 **v.**

23 **DONALD J. TRUMP,**

24 **Defendant.**

Case No. 2:18-cv-06893-JLS-FFM

**PLAINTIFF'S REQUEST FOR JUDICIAL
NOTICE OF PLAINTIFF'S PETITION
FOR REHEARING EN BANC IN THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Assigned for All Purposes to the
Hon. Josephine L. Staton

Action Filed: April 30, 2018

1 Plaintiff Stephanie Clifford, a.k.a. Stormy Daniels (“Ms. Clifford”) hereby requests
 2 that this Court take judicial notice of the Petition for Rehearing En Banc filed on August
 3 14, 2020, by Plaintiff (Appellant) Stephanie Clifford with the United States Court of
 4 appeals for the Ninth Circuit (Case No. 18-56351, Docket Entry: 46), a copy of the filing
 5 is attached hereto as Exhibit 1. Plaintiff has asked the Ninth Circuit to review en banc the
 6 panel’s Memorandum decision dated July 31, 2020. Thus, until the Ninth Circuit rules on
 7 the petition for rehearing, the mandate will not issue. *See* Fed. R. App. P. 41 (b).

8 Judicial notice of the Petition for Rehearing En Banc is properly taken by this
 9 Court. *See* Fed. R. Evid. 201(b) (“The court may judicially notice a fact that is not subject
 10 to reasonable dispute because it: (1) is generally known within the trial court’s territorial
 11 jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy
 12 cannot reasonably be questioned.”). Indeed, federal courts can take judicial notice of their
 13 own records or those of other courts. *See, e.g., United States v. Wilson*, 631 F.2d 118, 119
 14 (9th Cir. 1980) (“[A] court may take judicial notice of its own records in other cases, as
 15 well as the records of an inferior court in other cases.”). In fact, under Federal Rule of
 16 Evidence 201(d), any federal court can take judicial notice at any stage of the proceeding,
 17 even during an appeal. *See Lowry v. Barnhart*, 329 F.3d 1019, 1024 (9th Cir. 2003).

18 For all these reasons, the Court should take judicial notice of Plaintiff’s en banc
 19 appellate filing.

20 Dated: August 14, 2020

21
 22 Respectfully Submitted,

23 /s/ Mbilike M. Mwafulirwa

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CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2020, I electronically filed the foregoing using the court's CM/ECF system which will send notification of such filing to all counsel of record.

/s/Mbilike M. Mwafulirwa